IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Chapter VIII, Rule 32(2) (b)
Description of case

Writ Petition No. 825 of 2006 (M/B)

Date of decision: 20th July, 2006

A.F.R. (Approved for Reporting)

~~Not Approved for Reporting~~

Date: 20.07.2006 Initials of Judge

Note: Bench Reader will attach this at the top of first page of the judgment when it is put up before the Judge for signature.

IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 825 of 2006 (M/B)

Rajesh Kumar Chaturvedi,
S/o Sri Dayashankar Chaturvedi,
R/o Village & Post Govindpur,
District Ghazipur, Presently R/o 1322/23/47/108E,
Allahpur, Allahabad. ..... Petitioner

Versus

1. State of Uttaranchal,
through Principal Secretary (Personnel),
Dehradun.
2. Secretary,
Uttaranchal Public Service Commission,
P.O. Gurukul Kangri, Haridwar. ..... Respondents

Mr. Tanuj Semwal, Advocate for the petitioner.
Mr. N.B. Tewari, Chief Standing Counsel for respondent No. 1.
None for respondent No. 2.

JUDGMENT

Coram: Hon'ble Rajeev Gupta, C.J.
Hon'ble Prafulla C. Pant, J.

RAJEEV GUPTA, C. J. (Oral)

Mr. Tanuj Semwal, Advocate for the petitioner.

Mr. N.B. Tewari, Chief Standing Counsel for respondent No. 1.

None for respondent No. 2.

They are heard on admission.

2. Petitioner Rajesh Kumar Chaturvedi has filed this writ petition for the following reliefs:

> "(i) Issue a writ, order or direction in the nature of mandamus directing the respondent no. 2 to accept / submit the application form for Uttaranchal State Combined Civil Services (Mains) Examination 2004 of the petitioner sent through speed post treating it to be within time and permit the petitioner to appear in the said Mains Examination.
>
> (ii) Issue any other suitable writ, order or direction which the Hon'ble court may deem fit and proper under the facts and circumstances of the case."

3. The petitioner, in substance, is seeking a direction to respondent No. 2 Uttaranchal Public Service Commission to accept the petitioner's application form for Uttaranchal State Combined Civil Services (Mains) Examination, 2004, which admittedly reached the office of the second respondent two days after the last date for the submission of the forms.

4. Any direction to the respondents of the nature sought by the petitioner would not only open a 'flood gate' but would also upset the time schedule of the examinations fixed by Uttaranchal Public Service Commission. Any such change in the time schedule of the examination would certainly affect the interest of thousands and thousand of the candidates adversely.

5. The petitioner, when the received the form from Uttaranchal Public Service Commission in the month of April, 2006, was well aware that the last date of submission of the form was 20.05.2006. Even then, the petitioner took the risk of dispatching the form as late as on 19.05.2006 only. Admittedly, the petitioner's application form reached the office of the Uttaranchal Public Service Commission on 22.05.2006 i.e. two days after the last date for submission of the form i.e. 20.05.2006.

6. In view of the above-mentioned broad features of the case, we do not find any ground to grant the reliefs sought by the petitioner in the writ petition.

7. The writ petition, therefore, is liable to be dismissed and is hereby dismissed summarily.

8. Consequently, CLMA No. 8286 of 2006 also stands dismissed.

(Prafulla C. Pant, J.) **(Rajeev Gupta, C. J.)**
20.07.2006 20.07.2006

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